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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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June 24, 2014

Administrator William Craig Fugate
Federal Emergency Management Agency
500 C Street S.W.
Washington, D.C. 20472

Dear Administrator Fugate,

I write to you today regarding disturbing allegations that the Federal Emergency Management Agency (FEMA) may be unable or unwilling to fulfill its obligations to support the Nuclear Regulatory Commission's (NRC) mission to review and evaluate the safety and security needs of our operating and decommissioning nuclear reactors as outlined in the memo of understanding (MOU) between the two agencies.

As you know, FEMA plays an important role in helping the NRC review and evaluate the safety and security needs of operating and decommissioning our nation's nuclear reactors. Proper coordination and collaboration between the two agencies is largely responsible for why the United States has the safest reactor fleet in the world.

However, it has been brought to my attention that at the behest of congressional staff members, FEMA may have delayed evaluations of one or more exemption requests by licensees who have permanently ceased nuclear power operations in the recent past. These exemption requests by decommissioning nuclear plants are normally low risk due to the different needs and requirements as compared to a fully operating plant.

These allegations are of serious concern, and it is unacceptable for federal agencies to circumvent their mandated responsibilities, especially when their actions, or lack thereof, affect a crucial portion of our nation's energy production, and unfairly prejudice rate payers and utility owners.

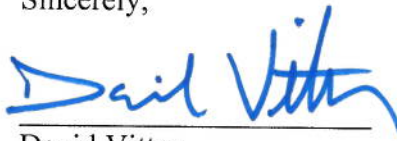
During the June 4, 2014, Senate Environment and Public Works Committee oversight hearing of the Nuclear Regulatory Commission (NRC), certain members of the Committee seemingly misunderstood the fact that fully operational nuclear plants and those undergoing decommissioning have very different safety and security needs. Instead, they mischaracterized the "exemptions" to mean the complete withdrawal of safety and security requirements, which may explain the reasoning behind the congressional requests to slow-walk FEMA's evaluation and consultations for one or more exemption requests by decommissioning plants.

It is critical for FEMA to continue reviewing exemption requests in a timely manner so that the NRC can move forward with safety and security decisions for non-operating reactors. In order to evaluate the circumstances behind the delays of the requests, I ask that you provide the following by July 11, 2014:

1. Copy of the current MOU in effect between the NRC and FEMA.
2. Any Commission or FEMA correspondence, transcripts, internal memorandum, notes of briefings, etc., concerning exemption requests from Part 50 requirements for permanently shut down facilities in general, or from facilities that have announced that they will or have already permanently shut down during the last 24 months.
3. Records of meeting or briefings and/or phone discussions conducted by FEMA and NRC Regional or HQs personnel and entities outside those agencies.
4. Any correspondence between FEMA staff and congressional offices containing unofficial requests from congressional staff to delay FEMA's evaluations of one or more exemption requests.

Thank you for your attention to this issue. If you have any questions, please contact Ward Cormier on the Environment and Public Work Committee.

Sincerely,



David Vitter

Ranking Member

Senate Environment and Public Works Committee